

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN ALBERT POUND, Petitioner)	C.A. No. 05-156 Erie
v.)	District Judge McLaughlin Magistrate Judge Baxter
WARDEN JAMES VESHECCO, Respondents)	

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RULE AND ORDER

AND NOW, this 11th day of April, 2006, after Kevin Albert Pound presented a petition for a writ of habeas corpus,

IT IS ORDERED that the United States Marshal shall make service of this order, together with a copy of the petition, upon the Respondent, the District Attorney of Erie County, and the Attorney General of the Commonwealth of Pennsylvania. **All costs to be advanced by the United States.**

IT IS FURTHER ORDERED that within twenty days of service of this order, the respondent, and the District Attorney of Erie County, Pennsylvania shall respond to the allegations of the petition for writ of habeas corpus. The District Attorney shall address all of the following 1) the statute of limitations, 28 U.S.C. § 2254(d)(1)-(2); 2) the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex. rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976), with respect to each claim raised by the Petitioner and, if appropriate, whether any of the claims were procedurally defaulted, and 3) the merits of the petition. The answer shall comply with Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts. The District Attorney shall furnish this court with the state court records, including all transcripts, all briefs filed by the Petitioner, and all written opinions of the state courts/agencies as well as certified copies of the docket sheets of all the state courts/agencies involved.

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IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge

cc: Kevin Albert Pound # Z1237
Erie County Prison
1618 Ash Street
Erie, PA 16503

James Veshecco, Warden
District Attorney of Erie County
Attorney General of Pennsylvania



7160 3901 9842 8022 1526

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

DAVID VANDERHOEF, WARDEN
PALE COUNTY PRISON
1013 MAIN STREET
PRINCE, PA. 16503

COMPLETE THIS SECTION ON DELIVERY	
Received by (Please Print Clearly)	
<i>[Signature]</i>	
C. Signature	Agent Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

D. Is delivery address different from item 1?
If YES, enter delivery address below:

PITTSBURGH PA.

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5-150E,0/P,8/30/06,SKB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 8022 1533

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

ATLANTIC CAPITAL CORPORATION, INC., PA
564 AVENUE
5TH FLOOR, MARINA BLDG
PHILADELPHIA, PA. 19119

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
<i>[Signature]</i>	
C. Signature	Agent Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

D. Is delivery address different from item 1?
If YES, enter delivery address below:

5-150E,0/P,8/30/06,SKB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 8022 1540

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

ATT. MR. DALE M. DIBBLE ATTORNEY
PALE COUNTY COURT HOUSE
1013 MAIN ST.
PRINCE, PA. 16503

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
<i>Allison Singer</i>	
C. Signature	Agent Addressee
<i>Allison Singer</i>	
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	

D. Is delivery address different from item 1?
If YES, enter delivery address below:

PITTSBURGH PA.

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PS Form 3811, January 2003

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